

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Docket No. 3:11-CR-373-FDW**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KAMAL ZAKI QAZAH,)
)
 Defendant.)
)

 Wael Audi)
 Petitioner)

)

NOTICE AND ORDER

THIS MATTER is before the Court sua sponte following the filing of the Government's Motion to Dismiss on October 29, 2013 (Doc. No. 385).

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Petitioner, who is proceeding pro se, that he has a right to respond to the Government's Motion to Dismiss Petitioner's for failure to comply with the requirements of 21 U.S.C § 853(n)(3). The Government alleges that Petitioner's Claim fails to comply with § 853(n)(3) because: (1) Petitioner failed to sign the Claim under penalty of perjury, and (2) Petitioner failed to "set forth the nature and extent of the petitioner's right, title, or interest in the property [and] the time and circumstances of the petitioner's acquisition of the right, title or interest in the property" Petitioner is also advised that he has until **Friday, November 8, 2013** to file his response to the Government's Motion. **The Court further advises Petitioner that failure to timely respond may result in the Government being granted the relief it seeks, specifically DISMISSAL OF THE CLAIM.**

IT IS THEREFORE ORDERED that Petitioner may respond to the Government's

Motion to Dismiss (Doc. No. 385) **on or before November 8, 2013**. Failure to file a timely and persuasive response to the Government's Motion may lead to the dismissal of Petitioner's Claim. The Clerk's Office is DIRECTED to send a copy of this Notice and Order to Petitioner's address of record.

IT IS SO ORDERED.

Signed: October 30, 2013

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

